



WEB COPY

W.P No.25167 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.25167 of 2017

and

W.M.P.Nos.26605 and 26606 of 2017

Dorai @ P.Ramasamy

...Petitioner

Vs.

1.The Tahsildar,
Perunthurai Taluk,
Erode District.

2. Village Administrative Officer,
Perunthurai Taluk,
Erode District.

3. P.R.Ponnusamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified Mandamus, calling for the records of the impugned patta caused by the 1st respondent on 28.06.2017 through online with the name of 3rd respondent as title holder with a new patta No.830 in respect of pending suit property in O.S.No.279/2012 in the court of District Munsif, Perundurai, Erode District and quash the same and consequently direct him to restore the original patta No.96 as well the name of the petitioner in the said records against the said properties as joint title holder with the 3rd respondent as maintained and ordered on 21.06.2017, as the said properties have been under possession and uninterrupted enjoyment till this date by the petitioner.



For Petitioner : Mr.A.Palanisamy
For R1 & R2 : Mr.C.Jayaprakash
Government Pleader
For R3 : No appearance

ORDER

The writ petition is filed for calling the records of the impugned patta caused by the 1st respondent on 28.06.2017 through online with the name of 3rd respondent as title holder with a new patta No.830 in respect of pending suit property in O.S.No.279/2012 in the court of District Munsif, Perundurai, Erode District and quash the same and consequently direct him to restore the original patta No.96 as well the name of the petitioner in the said records against the said properties as joint title holder with the 3rd respondent as maintained and ordered on 21.06.2017, as the said properties have been under possession and uninterrupted enjoyment till this date by the petitioner.

2. The petitioner states that a Civil Suit in O.S.No.279 of 2012 is pending on the file of the District Munsif Court, Perundurai Taluk, Erode District. Under the provisions of the Tamil Nadu Patta Pass Book Act, 1983, during the pendency of the Civil Suit, the revenue authorities are incompetent to issue patta or making changes in the revenue records. In the event of making any such changes during the pendency of a Civil Suit, the same would cause prejudice to



either of the parties.

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3. Patta would not confer title or ownership. Therefore, the parties have to establish their respective rights in a Civil Suit, pending on the file of the Civil Court of law. Thus, all the revenue proceedings pertaining to the subject property are to be kept in abeyance, till such time, the rights between the parties are crystallized through the Civil Suits that has been instituted. Accordingly, revenue proceedings are kept in abeyance and the parties at liberty to establish their rights before the competent civil court of law. After disposal of the civil suit and reaching finality, either the party is at liberty to submit an application under the provisions contemplated under the Tamil Nadu Patta Pass Book Act and in such circumstances, the revenue authorities consider the same on merits in accordance with law.

4. With these clarifications, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

18.08.2023

gvn/skr
Index : Yes
Speaking order



W.P No.25167 of



S.M.SUBRAMANIAM, J.

gvn/skr

To

- 1.The Tahsildar,
Perunthurai Taluk,
Erode District.
2. Village Administrative Officer,
Perunthurai Taluk,
Erode District.

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